

Panaji, 10th June, 1982 (Jyaishta 20, 1904)

SERIES II No. 11

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 6/33/77-PER

Read: Order No. 12-1-82-VIG dated 3-6-1982.

Consequent upon the placing of Shri S. U. Kamat, Superintendent of Jail, Central Jail, Aguada under suspension, the Administrator of Goa, Daman and Diu is pleased to appoint Shri M. N. Bhartiya, Deputy Director of Institute of Psychiatry and Human Behaviour, Panaji as Superintendent of Jail, Central Jail, Aguada in addition to his own duties with immediate effect until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 3rd June, 1982.

Order

No. 6/2/81-PER

In partial modification of order of even number dated 26th April, 1982, Shri D. C. Sahoo, Probationer of Grade II officer of Goa, Daman and Diu is posted as Additional Deputy Collector in the office of the Collector of Goa, Panaji.

By order and in the name of the Administrator of Goa, Daman & Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 5th June, 1982.

Order

No. 3/27/82-PER

The Administrator is pleased to order the transfer of following Officers:—

1. Shri A. K. Mathur, IAS (U.T.) Director of Industries and Mines is transferred and posted as Secretary to Lt. Governor.
2. Shri J. P. Singh, IAS (U.T.), Director of Education transferred and posted as Collector of Goa vice Shri

S. Regunathan, IAS (U.T.) relieved. Shri J. P. Singh is also appointed as Inspector General of Prisons.

3. Shri Rakesh Mohan, IAS (U.T.), Officer in Senior pay scale holding the post of Dy. Collector, South Goa Division, in terms of order No. 3/27/82-PER dated 26-4-1982, is transferred and posted as Director of Education vice Shri J. P. Singh transferred.
4. Shri D. P. Anvekar, Addl. Deputy Collector, Margao, will officiate as Dy. Collector, South Goa Division, Margao, in addition to his own duties till further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 3rd June, 1982.

Works, Education and Tourism Department

Notification

No. 5/1/79/WET

In pursuance of Rule 6 of the Goa, Daman & Diu Press Representatives Accreditation Rules, 1982, Government is hereby pleased to constitute the Press Accreditation Committee consisting of the following:—

1. Shri Chandrakant Keni, Editor—Rashtramat, Margao.
2. Shri Bikram Vohra, Editor—The Navhind Times, Panaji.
3. Shri Suresh Kankonkar—Journalist.
4. Shri Pramod Khandeparkar—Journalist.

The Director of Information, Government of Goa, Daman & Diu shall be Member Secretary of the above Committee.

The term of the Committee will be for a period of 2 years from the date of issue of Notification.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 5th June, 1982.

Public Works Department

Office of the Chief Engineer

Order

No. 98/1/80/CE-PWD-ADM(II)

Read: (1) Order No. 7/17/1/80-WET dated 25-6-1981 from Under Secretary (WET), Secretariat, Panaji.

(2) Order No. 7/18-1/82-WET dated 28-4-1982 from Under Secretary (WET), Secretariat, Panaji.

Consequent upon the bifurcation of the composite PWD into two Departments (PWD & Irrigation) and subsequent to the re-organisation of the PWD with the creation of new Circles/Divisions, it has been found necessary to re-group and re-number all the Circles/Divisions according to the revised distribution of works.

It is, therefore, ordered, in partial modification of Order under reference at (2) above, that the revised set up of the PWD be as per Annexure I with the workload distribution of various Circles and Divisions together with their Sub-Divisions, shown in Annexure-II.

In future all the Circles/Divisions shall follow the numbering pattern as per Annexure-I and the old numbers shall also be shown in brackets, alongwith the new numbers, in order to avoid confusion.

This order comes into force with effect from 1-6-1982. However, any transitional adjustments of work load and distribution of staff Units may be completed by 30-6-1982. This order supersedes all Orders/Circulars, issued in the past, in the regard.

By order and in the name of the Administrator of Goa, Daman and Diu.

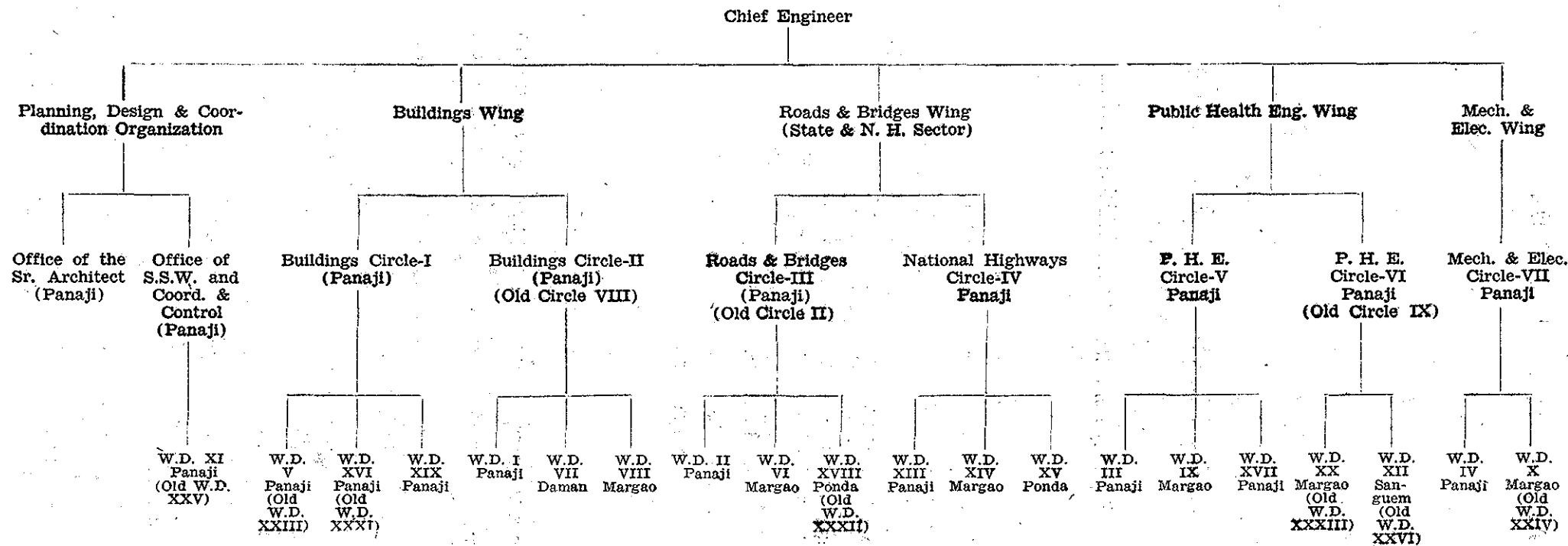
Jose F. F. de Albuquerque, Chief Engineer, P.W.D., & Ex-Officio, Additional Secretary to Government of Goa, Daman and Diu.

Panaji, 27th May, 1982.

REVISED SET UP OF PUBLIC WORKS DEPARTMENT

(AFTER RENUMBERING OF THE CIRCLES & DIVISIONS)

Annexure—I



ANNEXURE II

Office of the SSW & Cord. & Control, P.W.D.

Headquarters: Panaji

- (1) Division & HQ: WD XI (Quality Control) — Panaji (Old WD XXV).
- (2) Scope of works: Quality control of all the works executed by Public Works Department.
— Operation and maintenance of Central Laboratory.
— Soil investigation works.
— Research and development activities of the Department.
- (3) Sub-Divisional Headquarters
- | |
|--------------------|
| SD I — Sanguem. |
| SD II — Sanquelim. |
| SD III — Margao |
| SD IV — Panaji. |

Circle I (Bldgs.), P.W.D.

Headquarters: Panaji

- | | | | |
|-----------------------------------|--|--|--|
| (1) Divisions & HQ: | WD V (Bldgs.) — Panaji (Old WD XXIII) | WD XVI (Bldgs.) — Panaji (Old WD XXXI) | WD XIX (Bldgs.) — Panaji |
| (2) Scope of works: | Construction & maintenance/repairs of functional buildings of Agriculture, Animal Husbandry, Archives, Electricity, Town and Country Planning, Tourism, Health Services, Forests and miscellaneous Department. | Construction & maintenance/repairs of functional buildings of Police and Education Department. | Construction & maintenance/repairs of functional buildings of Goa Medical College including T.B. Hospital, Panaji and Pharmacy College, Fisheries, Captain of Ports, Sports and Culture. |
| (3) Sub-Divisional Head Quarters: | SD I — Panaji
SD II — Bicholim
SD III — Ponda
SD IV — Margao | SD I — Mapusa
SD II — Panaji
SD III — Ponda
SD IV — Margao | SD I — Bambolim
SD II — do —
SD III — do —
SD IV — Panaji |

Circle II (Bldgs.), P.W.D.

Headquarters: Panaji

(Old Circle VIII)

- | | | | |
|-----------------------------------|---|---|---|
| (1) Divisions & HQ: | WD I (Bldgs.) — Panaji | WD VII — Daman | WD VIII (Bldgs.) — Margao |
| (2) Scope of works: | Construction and maintenance/repairs of buildings, in the PWD sector i.e. administrative/non functional buildings, residential quarters under general pool etc., in North Goa, Circuit & Rest Houses in North Goa and Goa District at New Dealu.
— Miscellaneous works in the building sector. | Multipurpose Division in charge of all PWD works in Daman and Diu districts. | Construction and maintenance/repairs of buildings in the PWD sector i.e. administrative/non functional buildings, residential quarters under general pool etc. and Rest Houses in South Goa.
— Miscellaneous works in the building sector. |
| (3) Sub-Divisional Head Quarters: | SD I — Panaji
SD II — Mapusa
SD III — Panaji
SD IV — Panaji
SD V — Panaji | SD I — Moti Daman
SD II — Moti Daman
SD III — Nani Daman
SD IV — Diu | SD I — Margao
SD II — Margao
SD III — Ponda
SD IV — Vasco |

Circle III (Roads & Bridges), P.W.D.

Headquarters: Panaji

(Old Circle II)

- | | | | |
|-----------------------------------|---|--|--|
| (1) Divisions & HQ: | WD II (R&B) — Panaji | WD VI (R&B) — Margao | WD XVIII (R&B) — Ponda (Old WD XXXII) |
| (2) Scope of works: | Planning, design, construction & maintenance/repairs of roads & bridges in the talukas of Pernem, Bardez, Bicholim (Part), Tiswadi comprising of the following Constituencies:
Pernem
Mandrem
Tivim
Calangute
Mapusa
Siolim
Bicholim
St. Andre
St. Cruz
Panaji
Cumbarjua | Planning, design, construction & maintenance/repairs of roads and bridges in the talukas of Salcete, Mormugao, Quepem (Part) and Canacona, comprising of the following Constituencies:
Margao
Benaolim
Navelim
Cuncolim
Curtorim
Mormugao
Dabolim
Cortalim
Canacona | Planning, design, construction & maintenance/repairs of roads & bridges in the talukas of Bicholim (Part) Satari, Ponda, Quepem (Part) and Sanguem, comprising of the following Constituencies:
Pale
Satari
Madkai
Shiroda
Ponda
Quepem
Sanguem
Rivona |
| (3) Sub-Divisional Head Quarters: | SD I — Panaji
SD II — Mapusa
SD III — Pernem
SD IV — Sanquelim | SD I — Margao
SD II — Margao
SD III — Vasco
SD IV — Canacona | SD I — Ponda
SD II — Valpoi
SD III — Sanguem
SD IV — Quepem |

Circle IV (National Highways), P. W. D.

Headquarters: Panaji

(1) Divisions & HQ:	WD XIII (NH) — Panaji	WD XIV (NH) — Margao	WD XV (NH) — Ponda
(2) Scope of works:	Planning & design, construction & maintenance/repairs of roads and bridges on National Highways NH 17 (Maharashtra border Panaji-Agacaim) & NH 4 A (from Panaji-Banastarim), Centrally Sponsored schemes in North Goa, and major Bridges on State Roads in North Goa.	Planning & design, construction & maintenance/repairs of Zuari bridge and its approaches, improvement and widening of NH 17 A & NH 17 (between Cortalim and Karnataka border), besides bridges on State Roads.	Planning & design, construction and maintenance/repairs of roads and bridges on NH 4 A, between Banastarim and Goa border, including Centrally Sponsored schemes in South Goa, and other major bridges on State Roads in South Goa.
(3) Sub-Divisional Head Quarters:	SD I — Panaji SD II — Colvale SD III — Mapusa SD IV — Ponda	SD I — Cortalim SD II — Cortalim SD III — Margao SD IV — Canacona	SD I — Ponda SD II — Margao SD III — Margao SD IV — Margao

Circle V (PHE), P. W. D.

Headquarters: Panaji

(1) Divisions & HQ:	WD III (PHE) — Panaji	WD IX (PHE) — Margao	WD XVII (PHE) — Panaji
(2) Scope of works:	Control and Operation of OPA /CURTI Headworks and Conveying Mains from Curti P-70 to Panaji. — Operation and maintenance of Water Supply System in Tiswadi Taluka from Opa Source. All the supplies coming under the Assonora, Sanquelim, Valpoi and Pernem Water Supply System (including revenue collection). — Operation and maintenance of Panaji Sewerage Scheme. — All Minor Extensions in the areas covered under the above water supply system.	Operation and control of CURTI conveying mains from P-70 to Margao/Vasco. — Operation and maintenance of Water Supply System in Ponda, Salcete and Mormugao Talukas (from Opa source), including revenue collection. — Operation and maintenance of supplies coming under the Sanguem, Canacona W.S. Schemes (including revenue collection) — Completion of Vasco Sewerage System and further operation and maintenance. — All minor extensions in the areas covered under the above water supply systems.	All Rural Water Supply Schemes including their operation and maintenance (and revenue collection when applicable).
(3) Sub-Divisional Head Quarters:	SD I — Panaji SD II — do — SD III — Mapusa SD IV — Ponda SD V — Opa	SD I — Vasco SD II — do — SD III — Margao SD IV — Canacona	SD I — Bicholim SD II — Ponda SD III — Panaji SD IV — Margao

Circle VI (PHE), P. W. D.

Headquarters: Panaji

(Old Circle IX)

(1) Divisions & HQ:	WD XII (PHE) — Sanguem (Old WD XXVI)	WD XX (PHE) — Margao (Old WD XXXIII)
(2) Scope of works:	Survey, investigation and execution of Salaulim Water Supply Scheme. — Intake works — Treatment Plant and pumping mains.	Execution of all major works in the Territory of Goa, Daman and Diu (Water Supply and Sewerage) — Surveys and investigation of major Schemes (except Salaulim Water Supply Project).
(3) Sub-Divisional Head Quarters:	SD I — Sanguem SD II — Margao SD III — Margao SD IV — Sanguem	SD I — Margao SD II — Ponda SD III — Margao SD IV — Mapusa

Circle VII (Mech. & Elect.), P.W.D.

Headquarters: Panaji

(1) Division & HQ:	WD IV (M&E) — Panaji	WD X (Stores) — Margao (Old WD XXIV)
(2) Scope of works:	Construction, maintenance repairs of Mechanical-Electrical works, including workshops and garages of PWD, hiring of tools and plants etc.	Centralised organisation for the procurement, storage and distribution of materials, and maintenance of stores and godowns, and hiring of tools and plants for the whole Department.
(3) Sub-Divisional Head Quarters:	SD I (Elect.) — Panaji SD II (Elect.) — Margao SD III (Govt. Garage) — Panaji SD IV (PWD Works Shop) — Panaji SD V (Stores) — Panaji	SD I — Margao SD II — Curchorem SD III — Ponda SD IV — Mapusa

Directorate of Education

Order

No. DE/Acad.I/CEZ/T/Part II/12/79/2015

Read Government Order No. DE/Acad.I/Misc/1117/81/4692 dated 31st December, 1981.

The matter regarding taking over of Management of Ideal High School, Taleigao, Panaji-Goa, was receiving attention of the Government for sometime past due to mismanagement of the school, misuse of public funds, contravention of the provisions of the G. I. A. Code and constant confrontation amongst the Trustees of the school. The show cause notice was issued to the Trustees of the school vide memorandum No. DE/Acad.I/CEZ/T/12/78-79/528 dated 16-2-82 pointing out the irregularities committed by the Management and explanation was called for, from them as to why the Management of the said school should not be taken over by the Government under rule 178 of the G. I. A. Code. In reply to this show cause, one of the Trustees Shri T. R. Kankonkar pleaded against the proposed action of the Government vide his letter No. 92/81-82 dated 26th February 1982 giving various reasons whereas the other two Trustees namely Shri P. S. Navelkar and Shri G. G. Palekar have given their consent to the proposed action of the Government vide their letter dated 13th April 1982. The objections raised by the Trustee namely Shri T. R. Kankonkar were examined at length by the Government and it was found that the objections are not valid.

Therefore, the Government is pleased to order that the Management of Ideal High School, Taleigao, Panaji-Goa, has been taken over by the Government with immediate effect

Revenue Department

Notification

No. 22/46/82-RD

Whereas it appears to the appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Improvement of Curve on State Highway Sanvordem Dharbandora road at Sanvordem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing com-

for a period of 3 years in the first instance as per Rule 178 of the G. I. A. Code and Shri Xembu S. Amonkar, Deputy Education Officer, Central Educational Zone, Panaji, has been appointed as the Administrator and shall discharge his duties as per the provisions of the G. I. A. Code.

By order and in the name of the Administrator of Goa, Daman and Diu.

Rakesh Mohan, Director of Education and ex-Officio Additional Secretary to the Government of Goa, Daman and Diu.

Panaji, 7th June, 1982.

Local Administration and Welfare Department

Notification

No. 4-15-82-LAWD

In exercise of powers conferred under Clause (II) of Sub-Section (3) of Section 20 of the Goa, Daman and Diu Town and Country Planning Act 1974, the Government of Goa, Daman and Diu is pleased to appoint Shri D. D. Sukhtankar, Associate Town Planner as Member Secretary Town Planning Officer of Mormugao Planning and Development Authority in place of Shri B. K. Sutaria, who is proceeding on leave.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue).

Panaji, 4th June, 1982.

pensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act, will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji.
3. The Executive Engineer, Works Division VI, P.W.D., Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Sanvordem		42/1 50/1	Hirabai Vishveshwar Sinai Laad. Upendra Narsinva Sinai Nadkarni Sanvordekar.	210.00 315.00
Boundaries:						
North: Road State Highway.						
South: Part of Survey No. 50/1, 42/1 and 42/2 and Nala.						
East: Part of Survey No. 50/1 and Nala.						
West: Road & Nala and Survey No. 42/1.						
Total						525.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 27th May, 1982.

Public Health Department

Order

No. 6/11/82-PHD

The transfers of the below mentioned officers of the Directorate of Health Services Panaji, are hereby ordered with immediate effect.

Sl. No.	Name of the officer/ designation & present posting	Designation and place of transfer
1	2	3
1.	Dr. J. C. Rana, E. N. T. Surgeon, Primary Health Centre, Diu.	E. N. T. Surgeon, Cottage Hospital, Marwar vice Dr. A. P. Bajpai transferred.
2.	Dr. A. P. Bajpai, E. N. T. Surgeon, Cottage Hospital Marwar.	E. N. T. Surgeon, Primary Health Centre, Diu, vice Dr. J. C. Rana transferred.

The Officer at Sr. No. 1 should move first.

The Collector of Daman/Civil Administrator, Diu will not entertain leave application of any kind from any of the transferred officers until the officers take charge of their new postings. They will also make immediate arrangements to relieve the transferred officers forthwith so as to enable them to take charge of their new postings.

The transferred officers are entitled for transfer TA/DA as per rules.

By order and in the name of the Administrator of Goa, Daman & Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 7th June, 1982.

Order

No. 5/222/80-PHD

Whereas Dr. Lucas Monteiro, Health Officer (STD) in the Directorate of Health Services, Panaji has given three months notice for voluntary retirement in terms of Rule 48 of the Central Civil Services (Pension) Rules with effect from 31-1-82 and that he will retire with effect from the termination of three months notice period.

2. Now the Administrator of Goa, Daman and Diu being the appointing authority, hereby accepts the notice of voluntary retirement of Dr. Lucas Monteiro and the retirement shall become effective from the afternoon of 30th April, 1982.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 1st June, 1982.

Order

No. 71/64/79-PHD

The following honorary doctors working in the Hospicio Hospital, Margao under the Directorate of Health Services, Panaji are relieved with immediate effect.

1. Dr. H. K. Fondekar, Honorary Physician.
2. Dr. G. V. Naik, Honorary Physician.
3. Dr. S. G. Panandikar, Honorary Cardiologist.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 29th May, 1982.

Order

No. PHD/1(16)/74-Appts/4877

Dr. Mahadev K. Naik, Public Health Dentist, Primary Health Centre, Bicholim is hereby transferred and posted at Primary Health Centre, Curchorem against the vacant post created vide Government order No. 1/6/80-PHD, dated 23-7-80 with immediate effect. He is not entitled for transfer T.A./D.A.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 7th June, 1982.

Industries and Labour Department

Order

No. 5/26/82/ILD

The Administrator of Goa, Daman and Diu, is pleased to declare Shri A. D. Naik, Assistant Geologist in the Directorate of Industries and Mines as Ex-Officio Assistant Iron Ore Adviser, with immediate effect.

Shri A. D. Naik will not be entitled for any additional remuneration and shall draw the same pay as applicable to the post of Assistant Geologist.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 28th May, 1982.

Order

No. 28/31/81-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the employers in relation to the management of M/s. Bhavani Saw Mill, Fatorda, Margao-Goa and their workmen represented by Goa Ship and Industrial Workers' Union Margao-Goa in respect of matters specified in the Schedule hereto annexed (hereinafter referred to as the "said dispute");

And whereas the Lieutenant Governor of Goa, Daman and Diu considers expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji constituted under section 7-A of the said Act.

SCHEDULE

"Whether the following demands of the workmen of M/s. Bhavani Saw Mill, Margao represented by Goa Shops and Industrial Workers' Union, Margao, to be effective from 1-1-1980, is justified?"

If so, what relief the workmen are entitled to under separate Heads of Demand?

THE DEMANDS

1. Classification:

The employees should be classified in the following categories:

- (a) Skilled
- (b) Semi-skilled
- (c) Unskilled

2. Pay Scale & Fitment:

Each employee according to this category should be fitted in the following pay scale taking into consideration the years of service put in by him.

- i) Skilled — 400-25-575-30-725
- ii) Semi-skilled — 375-20-475-25-600
- iii) Unskilled — 250-15-325-20-425

3. Earned Leave:

The workmen should be allowed, on completion of continuous service of 240 days, to annual leave with pay at the rate of 30 days for every completed year of service to be accumulated upto 180 days.

4. National Holidays:

All the workmen should be granted paid National Holidays and all the Industrial Holidays as declared by the Government of Goa, Daman and Diu from time to time for observance by the Industrial Workmen.

5. Medical Expenditure:

All the workmen should be allowed reimbursement of medical expenses to the extent of Rs. 250/- per year.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 3rd June, 1982.

Order

No. 2-6-79-ILD

The following transfers of Assistant Engineers (Electrical)/(Civil) of the Electricity Department are hereby ordered in public interest with immediate effect:—

Sl. No.	Name and place of present posting	Place where transferred
1	2	3
1.	Shri S. K. Dutta, Office of the Assistant Engineer, Elec. Sub-Division II(U), Panaji.	Office of the Executive Engineer, Elec. Division I (O&M) Panaji.
2.	Shri S. T. Bhangui, Office of the Executive Engineer, Elec. Division I (O & M) Panaji.	Office of the Assistant Engineer Elec. Sub-Division II (O&M) Sanvordem.
3.	Shri R. G. Bhat, Office of the Assistant Engineer, Elec. Sub-Division I(O&M) Margao.	Office of the Assistant Engineer, Elec. Sub-Division II (O&M) Margao.
4.	Shri P. G. Hegde, Office of the Assistant Engineer, Elec. Sub-Division II (O & M) Margao.	Office of the Executive Engineer, Elec. Division III (220 KV) Ponda.
5.	Shri A. P. Verenkar, Office of the Executive Engineer, Division III (220 KV) Ponda.	Office of the Assistant Engineer, Elec. Sub-Division III (O&M) Mapusa.
6.	Shri M. M. Chinannawar, Office of the Assistant Engineer, Elec. Sub-Division I (O&M) Ponda.	Office of the Assistant Engineer, Elec. Sub-Division II (E. H. V.) Ponda.
7.	Shri G. L. Naik, Office of the Executive Engineer, Elec. Division V (O&M) Ponda.	Office of the Assistant Engineer, Elec. Sub-Division I (O&M) Ponda.
8.	Shri D. R. Naik, Office of the Assistant Engineer, Elec. Sub-Division II (E.H.V.) Ponda.	Office of the Assistant Engineer Elec. Sub-Division I (Const.) Valpoi.
9.	Shri V. P. Verenkar, Office of the Assistant Engineer, Elec. Sub-Division I (Const.) Valpoi.	Office of the Assistant Engineer, Elec. Sub-Division I (O&M) Margao.

1	2	3
10.	Shri A. N. Kulkarni, Office of the Assistant Engineer, Elec. Sub-Division II (O&M) Sanvordem.	Office of the Executive Engineer, Elec. Sub-Division II (O&M) Bicholim.
11.	Shri S. B. Priolkar, Office of the Assistant Engineer, Elec. Sub-Division I (O&M) (U), Mapusa.	Office of the Executive Engineer Elec. Division V (O&M) Ponda.
12.	Shri G. V. Murthy, Office of the Assistant Engineer, Elec. Sub-Division III (R) Mapusa.	Office of the Assistant Engineer, Elec. Sub-Division II (U), Panaji.
13.	Shri P. Prasannakumaran, Office of the Assistant Engineer, Elec. Sub-Division II (O&M) Bicholim.	Office of the Assistant Engineer Elec. Sub-Division I(U) Mapusa.
14.	Shri N. G. Shetti, Assistant Engineer (Civil) Office of the Assistant Engineer (Civil) Elec. Sub-Division IV, Ponda.	Office of the Assistant Engineer Elec. Sub-Division I (Civil) Tivim.

Shri N. G. Shetti, Assistant Engineer (Civil) shall also hold additional charge of Civil Sub-Division IV, Ponda until further orders.

The above officers will be entitled to T.A./D.A. on transfer as per rules, except officers at Sl. No. 5, 9 and 11 above who will not be entitled to T.A./D.A. as the transfers are made at their request.

Shri A. N. Kulkarni and Shri P. G. Hedge should move first.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 4th June, 1982.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 19th May, 1982.

**IN THE INDUSTRIAL TRIBUNAL, GOA,
DAMAN AND DIU, PANAJI-GOA**

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/22/76

1. Shri Herbert Anthony Gracias — 1st Party/Workman V/s.
 1. M/s. Dempo Engg. Works Pvt. Ltd. — 2nd Party/Employer
- Workman/Party I, represented by Adv. Mrs. A. Agni.
Employer/Party II, represented by Shri Ramesh Desai, Labour Advisor.

Panaji, Dated:- 3-5-1982

AWARD

In this reference made to this Tribunal by the Govt. of Goa, Daman & Diu, by its Order No. IRM/COM/(ID)/IT-9/76/1299, dated 20th August, 1976, the Schedule annexed to it reads as follows:

"Whether the action of the Management of M/s. Dempo Engineering Works Pvt. Ltd., Old Goa, in ter-

minating the services of Shri Herbert Anthony Gracias workman with effect from 30th September, 1975 is legal and justified?

If not, to what relief the concerned workman is entitled to?"

2. Workman's case, as per his statement of claim, is that he was appointed by the employer Company as bench fitter by letter dated 13-9-74, with retrospective effect from 1-9-74 and was dismissed from services with effect from 1-10-75. On 5-8-75, he was charge-sheeted for attempted theft/fraud/dishonesty in connection with the business/property of the Company and show cause notice was issued to him, calling upon him to submit his explanation. The workman submitted his explanation. The Employer held an inquiry against him, which was conducted by Shri A. N. Karnik, an Officer of the Company and another Officer of the Company, Shri N. D. Kosambe, was appointed to present the case of the Company before the Inquiry Officer. All the witnesses examined by the Company in support of this case are interested witnesses, they being Office bearers of the Union, who have been sharply criticized by the workman for their wrong policy, faulty decisions, inactiveness and creating a mess in the affairs of the Union. In fact, the workman was vouching for the introduction of a new team of Office bearers in the said Union or replacement of the same Union by another. For this reason, the said office bearers had a grudge towards the workman and waiting for the 1st opportunity to get rid of him from the Company, at any cost. Number of relevant questions which were put by the workman, in the course of the Inquiry, while cross examining the Company's witnesses, were turned down by the Inquiry Officer, on wrong excuses or pretexts. Further, though there were a number of persons present at the time of the alleged incident, the company chose to examine only interested witnesses. The Company also declined to produce all the necessary documents in the inquiry, inspite of the request of the workman to this effect. Therefore, the Inquiry made by the Company is illegal, invalid and against the principles of natural justice. Besides, no opportunity was given to the workman, before imposing upon him the extreme penalty, to explain as to why such penalty should not be imposed. Findings of the Inquiry Officer are contrary to the evidence on record and disclose patent errors in the assessment of the said evidence. He has prayed that the dismissal order be set aside and he be reinstated with continuity of services and full back wages.

3. The employer, in its written statement, has raised a Preliminary objection to the effect that the workman has made no demand on the employer, regarding his reinstatement and, therefore, there is no Industrial dispute, the reference in question being illegal and without jurisdiction. In so far as the merits of reference are concerned, it is contended that the inquiry held is legal, valid and in accordance with the principles of natural justice, but, if the Tribunal arrives at a different conclusion, then the employer be permitted to lead evidence on the merits of the case. The workman was in the service of the company with effect from 21-4-75, with six months probationary period commencing from 1-7-75, during which period he was dismissed. It is not true, therefore, that he was in service from 1-9-74, as contended by the workman. The Company is not aware of the workman's strained relations with the office bearers of the Union, nor was this fact brought out by the workman during the cross-examination of the Company's witnesses. The allegations now made are, therefore, an after thought to escape punishment. Finally, it is denied that the inquiry officer has disallowed any questions put by the workman during the cross-examination of Company's witnesses; that necessary documents were not produced during the inquiry; that there was a need of a second show cause notice before imposing the penalty of dismissal on the workman or that the findings of the Inquiry Officer are contrary to the evidence on record. It is prayed that the dismissal order be confirmed, as it is just and proper, having regard to the fact that the misconducts were committed just within one month of his probationary period.

4. The following issues were framed by the Tribunal:

"(1) Whether the workman did not make any demand for his reinstatement of the Management at any time and in absence of such a demand, the reference is illegal, void and without Jurisdiction?

2) Whether the Inquiry held against the workman is proper, fair and legal?

3) Whether the conclusions of the enquiry Officer are supported by the evidence on record?

4) Issue No. 1 shall be heard first of all as a Preliminary issue."

5. As the Preliminary issue No. 1 was not pressed by the employer, my learned predecessor, Dr. Coelho, after allowing the parties to lead their evidence on the other two issues, passed order on 1-8-1980, holding the inquiry conducted by the employer as unfair and improper and in violation of the principles of natural justice.

6. As the Order on the issue of fairness of the domestic inquiry was against the employer, its request for additional evidence was granted by the Tribunal. Accordingly, the employer led fresh evidence before the Tribunal by examining three, out of the five witnesses heard during the domestic inquiry. The workman did not lead any evidence.

7. Regarding the charge of attempt of theft of a Gun Metal Rod, after carefully scrutinizing the evidence on record, I have arrived at the conclusion that there is preponderance of probabilities to convince that the workman Shri Gracias should have attempted to commit the theft of the G.M.R. in question.

And I say so, for the following reasons:

i) In his cross examination (Vide Pages 3 to 6 of the statement of Shri Gracias recorded by the Court from 28-1-80 to 1-2-1980) the workman has admitted that whatever has been recorded by the Inquiry Officer in the Inquiry Proceedings regarding the statements given by Shri Kasombe, Barboza, Muktam and Volvoikar and his cross examination of the said witness has been correctly recorded in the Inquiry Proceedings, with the exception that the Inquiry Officer has not recorded the questions he wanted to put to the said witnesses regarding Union matters. On page 5 of the same cross examination, Shri Gracias has also stated that he told nobody else to represent him in the inquiry, since he knew how to defend himself, and, in fact, the way Shri Gracias has conducted himself during the Inquiry Proceedings and thereafter, before this Court, particularly during his cross examination referred to above, goes to show that Shri Gracias is conversant with the process of cross-examination and knew how to make his defence in respect of the charge levelled against him. Being so, one fails to understand as to why Shri Gracias, while cross examining the Company's witnesses in the inquiry proceedings, did not react against the assertion made by all of them that, in their presence, Shri Gracias, when questioned about the stealing of the G.M.R. by Mr. Barboza, admitted the fact and apologised. If this fact was not true, he would have cross-examined the said witnesses regarding the alleged admission and apology, but except for Kasombe who, otherwise, only narrated what Shri Barboza had reported to him, there is not a single question put by Shri Gracias in cross regarding such admission and apology. To Kasombe, he only asked: "Has Mr. Barboza told you as to why I apologised him?" and Kasombe replied, Yes. I asked him and he told me that you apologised because your wife was sick and you have children and if you are removed from services you will be hard pressed".

ii) Witness Sheikh Muktam, who had also stated that he heard Shri Gracias apologising to Mr. Barboza, was not even cross examined by the workman and when the latter was asked in this respect at page 6 of his cross examination in court, replied that he did not cross examine Muktam because this witness did not say anything against him. But was not the apology tended by Shri Gracias in the presence of Shri Muktam, as stated by the latter, a statement against Shri Gracias? Nevertheless, the witness was not cross-examined on this point!

In the absence of cross examination by Shri Gracias in so far such admission and apology is concerned, as stated by the witnesses, this fact goes unchallenged and, therefore, is to be deemed as admitted by Shri Gracias.

iii) Then we have the statements of the two so called eye witnesses, namely Shri Jacob Barboza and Shri Mahadev Porob. It is true that, as we will soon see, the statement of Shri Barboza is, in some way, contradictory to the statement of Shri Mahadev Porob but, inspite of such contradiction, I am led to believe as correct the statement of Shri Porob and to attribute the assertion made by Shri Barboza regarding he himself having seen Shri Gracias hiding the G.M.R. and dropping it, which assertion contradicts the statement of Shri Porob, to an over entusiasm of Shri Barboza.

while narrating the incident. In order to show how the statements of Shri Barboza and Shri Porob are contradictory, I am reproducing below the relevant passages of the statements made by them before the Inquiry Officer and in this Court:

a) Shri Barboza has stated before the Inquiry Officer that, as he was busy making entries, he told the workman, who had come for nuts and bolts, to collect them for himself and report to him. And then he proceeds: "when I looked up, I saw Mr. Herbert picking up the G.M. piece and hiding it on his person inside his boiler suit. I immediately instructed my stores helper Mr. Mahadev Porob to check up as to what Mr. Herbert was hiding; before Mr. Mahadev could reach Mr. Herbert, Mr. Herbert left the place and went to the other side in the stores and took out the G.M. piece from his boiler suit and put it down..." "I personally went near Mr. Herbert to check up as to what he has hidden in his boiler suit which he had kept back and it was the same G.M. piece which is being now produced to you".

Before me, Shri Barboza has stated in this way: "after sometime, I found him taking something inside his boiler suit and that was the G.M.R.. Immediately, I told my helper Mahadev Porob to go and see what he was doing. Gracias moved from that place, went further, and dropped the G.M.R.. I asked him what he has done. At first, he said he did not do anything, then later on he apologized for doing it." "After about two hours later he came with one foreman Sebastian and Sebastian asked me why I want to take this matter further on because he wanted to do one small ring". In his cross, Shri Barboza has stated that he saw with his own eyes the workman taking the G.M.R. and trying to insert it in the boiler suit near the stomach. Although from the statement of Shri Barboza in his examination in chief before this Tribunal it appears that he Barboza saw Mr. Herbert picking up something which was later found to be the G.M.R., in his cross, he has insisted that he saw Herbert picking it up and inserting it in his boiler suit.

b) Mahadev Porob has stated before the Inquiry Officer that 8-9 workmen had come to the stores to collect welding rods. Thereafter, Herbert also came for nuts and bolts. After sometime, Mr. Barboza told him: "to check up Mr. Herbert who was inside the stores as to what he was picking up. When I tried to approach Mr. Herbert, he moved further he went to the other side of the stores and I saw him taking something from his boiler suit and putting it down. When I reached him I saw the same G.M. piece which is lying in front of me which Mr. Herbert had taken out from his Boiler Suit. I took the G.M. piece and showed it to Mr. Barboza and informed him that Mr. Herbert was taking out the same piece from his boiler suit and putting it down. Mr. Barboza went, in the presence of 2-3 workmen, pointed out to Mr. Herbert about the incident Mr. Herbert admitted that he had taken the G.M. piece in his boiler suit and put it back, as narrated by me above."

In his cross, he has stated that he did not see the workman putting the G.M. piece but Mr. Barboza instructed him to check up what he had taken. To the question as to whether anyone noticed the workman taking the G.M. piece, the witness replied in this way: "Atleast one worker by the name Ramu Naik reported to me that he saw you taking the G.M. piece from the boiler suit and keeping it on the floor. Before me, Mahadev has stated that there was a rush in the stores at that time. Herbert Gracias also came during the same time to collect nuts and bolts and the store keeper allowed him to go inside to collect the same. And then the witness proceeds: "After sometime the stores keeper told me to see as to what Mr. Gracias is putting in his boiler suit. I went to Gracias; seeing me he went backwards and dropped something on the floor from his boiler suit. It was a rod of metal. I took that Rod and showed it to the Store Keeper Barboza. Barboza called Gracias. In my presence, Gracias admitted having taken the rod. In his cross, he has stated that Mr. Barboza was busy making entries; that G.M.R. are lying on the ground in the stores; that, when he started going to Mr. Gracias, the latter kept something down. When he went to Mr. Gracias, he saw that what Mr. Gracias had kept on the floor was the G.M.R. There were many other G.M.R. where this rod was kept. He took the said rod to the store keeper. There were persons around Barboza when Gracias admitted the incident.

8. From the narration of the incident as given by Mr. Porob it is seen that he, Porob, took the G.M. piece and showed it to Mr. Barboza and informed him that the workman was taking it out from his boiler suit and keeping it down; that Barboza called Gracias and the latter admitted the fact; while the version of Mr. Barboza is that he, Barboza, personally went after Mr. Gracias to check up as to what he had hidden in his boiler suit and was kept back, and it was the same G.M.R. which was before the Court. Nowhere in his statement either before the Inquiry Officer or before the Court, Shri M. Porob has stated that it is Shri Barboza who personally went and checked what Mr. Gracias had hidden in his boiler suit and kept back. On the contrary, the words used by Mr. Porob in the narration of the incident is that he took the rod showed it to Mr. Barboza, who called Mr. Gracias and Mr. Gracias admitted in his presence having taken the rod, suggest that Mr. Barboza did not move from his place and it is Mr. Porob who brought Mr. Gracias and the G.M. Rod to him.

9. The above contradictions between the two statements of Shri Barboza and M. Porob, however, lose much of their importance when considered in the light of the fact stated by the witnesses that there was an admission and apology by Shri Gracias in their presence, which fact has gone unchallenged. Shri Barboza admittedly was busy, at the time when this incident occurred, in entering in the register the materials supplied to 8-9 workers who were near his table. In such circumstances, it is but natural that he could not have seen Shri Gracias hiding the G.M.R. inside the boiler suit and later dropping it down. Mahadev Porob's statement narrating the incident seems more credible than the statement of Shri Barboza, who, in his enthusiasm, must have exaggerated the facts to make it appear that he too has witnessed the incident.

10. Shri Gracias's allegation that the witnesses examined by the employer, being active members of the existing Union, wanted to get rid of him due to his anti-union activities has not been proved. It is to be noted that when the said witnesses were examined in court, Shri Gracias while cross examining them, did not even put to them about his anti Union activities in order to elicit an answer, favourable or not, from them. But even assuming, for the sake of arguments, that, in fact, the witnesses examined by the employer were against Shri Gracias for his anti union activities, the latter would not allow their statements regarding admission and apology to go unchallenged in cross, if this fact was not true. The silence of Shri Gracias in this respect, while cross examining the said witnesses, would go to show that the fact of admission and apology deposed by them is correct.

11. The only fact on which Shri Gracias has laid stress during the cross examination of the employer's witnesses in the Inquiry Proceedings is regarding the possibility of a person hiding and carrying away a heavy metal piece as the G.M.R. in question without being noticed by those who were in the store room at that time. I have inspected the G.M.R. in question in the presence of the representatives of both the parties and the inspection memo is on record. The G.M.R. is of cylindrical shape, having a length of 11" and a diameter of 1½". Its weight, the parties representative agree, should be slightly more than 2 kilos. According to me, even if the G.M.R. in question, hidden inside the boiler suit, was held up tight in between the body and the string of the underwear, even then a grip of hand, although ostensibly holding other material, would be required in order not to allow the metal piece to slip down. Undoubtedly, it would be noticeable if Shri Gracias had to come in such a position with the G.M.R. inside the boiler suit before Shri Barboza, with nuts and bolts in his hands to show him and get them registered in the books, but since there was some confusion at that time near the desk of Shri Barboza, where 7-8 workers were gathered around him, the possibility of Shri Gracias quietly moving unnoticed out of the store room with the G.M.R. inside the boiler suit to keep it hidden somewhere out and then return to the store room to show the nuts and bolts to Shri Barboza cannot be ruled out. At any rate, since Shri Gracias, as per the statement of the witnesses which has gone unchallenged, has admitted in their presence that he was caught while removing the said metal piece and apologised for it, the possibility or not of taking away unnoticed the G.M.R. in question would be only on academic discussion.

12. I shall deal now with the other charge framed against Shri Gracias, regarding a pair of uniform he tried to draw from the stores for the second time when he had already been issued the same once. The only evidence in this respect is the statement of Shri Kasambe. This witness has stated before

the Inquiry Officer that somewhere in July 1975, Shri Gracias came to him for a pair of uniform. When he asked Shri Gracias whether he had not taken one from Shri Bide, the Asstt. Store Keeper, he denied. Then he showed him the uniform register and Gracias's signature against serial No. 96 where his name, designation and number of uniforms issued were registered. When Gracias saw his signature, said that he must have simply signed the register and went away. This register and the relevant entry were produced before the Inquiry Officer and Shri Gracias admitted his signature and that the entry is correctly recorded. In his cross, Shri Gracias, besides questioning the witness regarding the collection of the previous uniform, has suggested that this time he had gone for collection of umbrella and not uniform, which suggestion was denied by the witness; the witness further replied to Shri Gracias that, if the case was for umbrella and not for uniform, he would have told him, without referring to any register, that he was not entitled for any umbrella, but since he asked for uniform, the witness brought the proper register and pointed out to him the relevant entry with Gracias's signature and then Gracias left immediately.

13. Shri Gracias, at page 3 of his cross before this Tribunal, has admitted that the questions to and answers from Mr. Kasambe have been correctly recorded including his question to Mr. Kasambe and answer given by the latter.

14. In view of the above statement of Shri Kasambe, which is convincing, there is no doubt that Shri Gracias had tried to get from Shri Kasambe the second pair of uniform but did not succeed in this attempt. We are not concerned here whether Shri Gracias was or not entitled to a pair of uniform, being a temporary employee. Admittedly, he was not entitled to a second pair, which he was trying to get from Mr. Kasambe and did not succeed in this attempt.

14. Since both the offences charged with are proved against Shri Gracias, which offences are of serious nature, I hold that the punishment of dismissal imposed on him by the employer is proper and has to be maintained. Order accordingly. In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal

Notification

No. ILD/PUS/EWH/80

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest so requires that services of Government Hospitals, dispensaries and Health Centres (hereinafter called as the "said service"), should be declared as "Public Utility Service" for the purpose of the Industrial Disputes Act, 1947 (Central Act 14 of 1947);

Now, Therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby declares the said Service to be a Public Utility Service for the purposes of the said Act for a period of six months from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 3rd June, 1982.

Law Department (Legal Advice)

Notification

No. 12/41/81-LGL

In partial modification of the Government Notification of even number dated 5-12-1981, the Government of Goa, Daman and Diu is pleased to extend the term of the Committee on Personal laws by a further period of six months with effect from 5-6-1982.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 5th June, 1982.